

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory Thorne on 3/12/2010.

The application has been amended as follows:

Claim 1(Amended) : A non-transitory computer readable memory medium comprising:

a data area for storing data in the form of marks, in which the data is encoded by means of a channel code, wherein a parameter of the channel code is controlled so as to introduce a predetermined run length distribution in the marks on the computer readable memory medium, thereby introducing first information relating to a visually discernable watermark, wherein at least a portion of the first information is visually discernable on the computer readable memory medium in the data area without a device to discern the first information, and

a non-data area comprising second information relating to the visually discernable watermark, wherein at least a portion of the second information is visually discernable on the computer readable memory medium in the non-data area without a device to discern the second information

the first and the second information together forming the visually discernable watermark, wherein the visually discernable watermark is visually discernable on the computer readable memory medium without a device discerning the visually discernable watermark

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

After reviewing the remarks made by the Applicant in response to the non-final office action the Examiner finds the remarks to be persuasive. The combination of cited references Murakami et al ( US 6,973,015), Morioka et al ( US 2001/0046198), Yntema et al ( US 7,263,201) do not teach or suggest the features of claim 1 and 13 or the newly added features. None teaches "*a non-data area comprising second information relating to the visually discernable watermark, wherein at least a portion of the second information is visually discernable on the computer readable memory medium in the non-data area without a device to discern the second information*

*the first and the second information together forming the visually discernable watermark, wherein the visually discernable watermark is visually discernable on the computer readable memory medium without a device discerning the visually discernable watermark*"

No other found prior art of record teaches or fairly suggests the combination of claimed elements . The Examiner finds no reason or motivation to combine the above references in an obviousness rejection thus placing the application in condition for allowance.

Any comments considered necessary by applicant must be submitted on or later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.

3. Claims 1-13 are allowed.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY BITAR whose telephone number is (571)270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nancy Bitar/  
Examiner, Art Unit 2624

/WESLEY TUCKER/  
Primary Examiner, Art Unit 2624